

G. R. S. IX-5] .
Previous references.

Later references.

Prison

1917-18
(Cmts)

File No. 70-14

Serial Nos. 172

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

172

Part B for

October 1917

SUBJECT.

Memorial of Thammanna Gowda
praying for the remission of the
Sentence of death passed on him in
Hanan Sessions Case No 9 of
1916-17

2) To the Registrar
Chief Court
No 1433 of 24-10-1917

Forward a copy of order
passed by H. H. The Magistrate
of Mysore on the Prisoner's
Memorial —

W D 88—GPB—50,000—24-7-16

Mr Abdul Rahman
6. 11. 17

GENERAL AND REVENUE SECRETARIAT.

(Can5)

NOTES.

File No. 70-17

FILE HEADING.

Memorial of Shammanna Gowda ^{praying} for the remission of
the sentence of death passed on him in Hassan
Sessions case no. 9 of 1916-17.

From

The Registrar, Chief Court

No. 154

Dated

21.9.17

Received

22.9.17

Diary No. 2710

Enclos. ³²_{2 reads} Spare Copies.

Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards the memorial of Shammanna Gowda
with the entire records of the case.

NOTES AND ORDERS.

Submitted.

Am
22/9

W.H.

The facts of the case are clear and
relate to the brutal murder of a woman
by her accused on 13.4.1917.

The accused was on terms of intimacy

Serial
No.

2.

The deceased Kenehamma and the accused wife last seen together going downstream on 13. 4. 1917; and though the accused returned home in the evening, the deceased never returned, and her dead body was found next day near the well with her head battered.

^{During investigation.}
~~The deceased~~ the accused was suspected, and arrested and ^{immediately supplied him} ~~with~~ a stick with which he hit her on the head, and certain jewels belonging to the deceased were discovered. The accused was placed before the Magistrate, and he made a confessional statement before the Channarayana Patra Sub Division Magistrate, the Committing Magistrate and also before the Sessions Judge. He pleaded guilty, and was convicted and sentenced to death. The Chief Court on appeal, have affirmed the conviction and sentence.

3. In his present petition to G.O., the accused denies having committed the deed and states that if it is proved that he was the perpetrator of the murder, he must have done it during an epileptic fit to which he is subject.

4. The circumstantial evidence in the case coupled with the confession consistently admitted by the accused before

G. R. S. III-2]

General and Revenue
Secretariat.

C5 File No.

70 of 1917.

Serial
No.

committing magistrate and the Sessions Judge leaves no doubt as to his guilt of the accused.

It was the paramour of the widow Doddamma, and this intimacy was not approved by her sister-in-law the deceased Kanchamma, Kanchamma also contrived to get Doddamma to transfer half her properties to her son-in-law Doddappa, and hence there is sufficient motive for the deed. The discovery of all the articles and the information given by the accused points clearly to the guilt of the accused. The medical evidence is clear that death was due to violence caused to the head by a blunt instrument. The ~~deceased~~ ^{deceased} was last seen alive with the accused, and the confession voluntarily made in the first instance was adhered to in the Magistrate's Court and the Sessions Court. There do not appear to be any doubt about the guilt of the accused.

5. The ^{first} ground now alleged in the petition was put forward also before the District Court. But the second is a new one without any thing to support it.

6. There do not appear to be any grounds for showing clemency in this case.

7. Submitted for orders
28/5/17

Sd/

(1st member)

Schedule case
marked sheet for
circulation in
NOTE—Contn. sheet

cm
26/9/17
28/5/17

G. R. S. III-2]

General and Revenue
Secretariat.

th

File No.

70

of 1917-18

Serial
No.

8) The manuscript has more a clear
kind of his will before him and one
Court & then it is just & respect that
it was never more voluntary.
After his voluntary confession,
the circumstantial evidence in the case
has been found sufficient & correct
kind of the offence he stands charged
with. It is clear that he must have
known the offence when he was
offering him an epileptic fit has
been made for the first time in his
lifetime & for. There was nothing to
prevent him from saying this before
the Court during the trial or in
Court of Sessions. The Ch. Court have
upheld the conviction & sentencing in
Sessions Judge and I see no reason
wherein to differ from him again.
The criminal deserves the punishment

1287
27-9-17

26/9

MS
27/9/17

9) maybe disposed of by Circulation
(Dewan)

1849
27-9-17

10) I agree

do

MS
27/9/17
28/9/17

NOTE—Contn. sheet.

11) circulate 29-9-17
MS 11/10/17 28/11/17

(For Disposal by Circulation)

No. C. 222

5/10/1917

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

(Clause vi of the Schedule)

Memorial of Thammanna Gowda praying for the remission of the sentence of death passed on him in Hassan Sessions case No.9 of 1916-17.

12) CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C. K. Balasubramanyam

Secretary to Government.

3rd October 1917.

Extraordinary Member of Council.

First Member of Council.

13) Opinion recorded.

Second Member of Council.

14) recd.

183.
5.10.17.

15) 27/10/17

710

6

356

G. R. S. III-2]

General and Revenue
Secretariat.

& File No. 70 of 1917.

Serial
No.

16) Sued with D & N & D & N.
me
8/10
NRK.

17) In favour of approval
8/10

List-Member

18) Cabled
8/10

1457
9.10.17

19) Fair trial note signed by the Committee
is put up.

M

8/10/17

20) D.S. put up.
(Dewan)

2113
9/18/17

ESX
9/10/17
9/9/17

Final Note by the First Member of Council

Subject:—

21) Memorial of Thammanna gowda praying for the remission of the sentence of death passed on him in Hassan Sessions case No. 9 of 1916-17

22) The facts of the case are briefly given in paras 1 and 2 of the office notes.

Q 23) 2. The memorialist has ^xmade a clean breast of his guilt before more than one court and there is no ground to suspect that his confession was otherwise than voluntary. Apart from the confession, the circumstantial evidence in the case has been found sufficient to convict him of the offence he was charged with. The plea that he must have committed the offence when he was suffering from an epileptic fit has been made for the first time in his ^xmemorial to Government, and there was nothing to prevent him from urging it before the Committing Magistrate or the Court of Sessions. The Chief Court have ^xupheld the conviction and sentence of the Sessions Judge and the Council see no reason to ^xdiffer from their opinion.

P 3. The memorial may be rejected.

8th Oct
1917

Subramanyam

Submitted to His Highness.

24) I submit herewith a Final ~~Note~~ by the First
Member of Council on the subject of the memorial of
Thammanna Gowda for the remission of the sentence of
death passed on him in Hassan Sessions Case No.9 of 1916-17,
for His Highness' gracious approval.

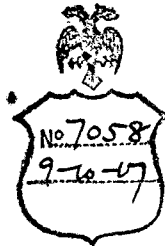
M. Viswanatha

Dewan.

5th Oct 1917.

Record of Cases submitted for the Orders
of His Highness the Maharaja.

Subject.



25) Memorial of Thammanna Gowda for
the remission of the sentence of death
passed on him in Hassan Sessions Case No. 9
of 1916-17.

425

26)

Order.

KRW

11/10/17

27) Sanitary

12-10-17.

do
11/12/17

7310
11/10/17

29/10

400.
12. w. 17.
1639
29/10/17

Serial
No.

25)

Submitted with draft and fair of H H's order
and a draft to the Registrar, Chief Cant.

For Precedent
Case No.

100
1975-16 Punjab

Ans
13/10
13/10

Chief Secretary

12/14/17

Dewan

2269
19-10-17

17/10/17

Draft and fair signed by the Dewan - 20.10.17.

Issue

17/10/17

17/10

2 To The Registrar ch. court

no 1433

24th Oct. 1917

Forwards a copy of order passed
by H. H. the Maharaja of Mysore on the
Prisoner's Memorial.

No. 154
Car.

Enc. 3 with 2 records

22 SEP 1917

Bangalore,

Dated 17th September 1917.

21⁵⁰

From

DIARY No. 9710

THE REGISTRAR OF THE
CHIEF COURT OF MYSORE.

12/2/18
Can 5
70-17
1

To

THE SECRETARY TO GOVERNMENT,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

I am directed to forward a memorial addressed to His Highness the Maharaja by Thammanna Gowda accused in Hassan Sessions Case No. 9 of 1916-17 on the file of the Sessions Judge of Mysore Division and appellant in Criminal Appeal No. 10 of 1917-18 on the file of this Court. Criminal Referred Case No. 1 of 17-18.

The entire record of the case is herewith forwarded.

I have the honor to be,

Sir,

Your most obedient servant,

A. J. S. Srinivasan

Registrar.

gt

Handwritten text in a cursive script, likely a letter or a journal entry. The text is written on a piece of paper that has been folded or torn, resulting in a jagged, irregular edge on the right side. The ink is dark and the handwriting is fluid and somewhat slanted. The text is arranged in several lines, with some lines being more prominent than others. There are some small, illegible markings and what appears to be a date "1917-18" written in the middle of the text. The overall appearance is that of a historical document or a personal note.

Handwritten text, likely a letter or document, written in cursive script. The text is arranged in approximately 15 lines, with some lines being crossed out or heavily scribbled over. The ink is dark and the paper appears aged. A large, dark, circular ink smudge or stamp is visible on the right side of the page, partially obscuring the text.

Chief factor.
Q. Cigait

179

IN THE CHIEF COURT OF MYSORE AT PALACORE.

Monday, the 27th day of August 1917.

P R E S E N T

Mr. Justice K.S. Chandrasekhara Aiyar

and

Mr. Justice T. Paramasiva Iyer.

Petition of criminal appeal No: 10 of 1917-18
(Criminal Referred Case No: 1 of 1917-18) against
the conviction and sentence by the Sessions Judge
of the Mysore Division under section 302 of the
Indian Penal Code in Hassan Sessions Case No: 9 of
1916-17.

APPELLANT

Thammanna Gowda.
(Accused).

J U D G M E N T

The appellant has been convicted by the Sessions Judge of
having murdered one Kenchamma, and sentenced to be hanged. The
appellant made a confession of guilt before the Assistant Com-
missioner and First Class Magistrate of the Channarayapatna Sub-
Division, and again before the Committing Magistrate; and he
also pleaded guilty in the court of Session. His various state-
ments are all circumstantial and consistent, and there is no
reason whatever to think that they ^{were} ~~are~~ made otherwise than volun-
tarily. We have also examined the evidence that was taken be-
fore the Committing Magistrate, and are satisfied that even
apart from the appellant's confessions, the circumstances point
to his having murdered Kenchamma. Thus there is a large mass
of evidence (including that of the appellant's own brother the
prosecution 12th witness) that he had a strong motive for doing

away

away with her; that he was seen in her company on the day of the occurrence when she was going with the cattle she was grazing towards the Akkihole; that she did not return home; that the woman Loddamma, whom the appellant was keeping, gave information on the following day as to the deceased's disappearance; that during the Police investigation and after the appellant was arrested, he pointed out the place where he murdered Kanchamma, and where a golden bavalu belonging to her was found, and that from information furnished by him the stick with which he struck her down was found as well as the cloth bundle in which he had tied the jewels robbed from her person.

The medical evidence also shows that the death of Kanchamma was due to haemorrhage from fracture of the skull due to external violence.

In these circumstances there can be no doubt that the appellant has been rightly convicted; and as the deed appears to have been a cold, ^{blooded} and premeditated one, devoid of any element of provocation whatever, and committed under the influence of hatred and for the purpose of sordid gain the sentence of death is the only appropriate one. We confirm that sentence and dismiss the appeal.

Sd. K.S. Chandrasekhara Aiyar
J U D G E .

Sd. J. Paramasiva Iyer
"True Copy"
J U D G E .

Sd. Venkatasubramanian

By: Registrar

No.

¹ 24¹⁰
J 433 (Records)
CK 70-17-2

MYSORE GOVT. GEN. & REV. SECRETARIAT.

Dated, Bangalore... 24.10.1917.

From

Chief

The Secretary to the Government of H. H. the Maharaja of Mysore.

To

The Registrar of the Chief Court of Mysore.

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner Shamma Gonda under ~~going~~ sentence of death in the Bangalore Central Jail, copy of order passed by H. H. the Maharaja of Mysore, on the prisoner's memorial rejecting it.

2. The entire records received with your letter No. 154/Er dated 21st September 1917 are herewith returned.

Pa.
71

I have the honor to be,

SIR,

Your most obedient servant,

u/14/w/n
For Chief Secretary.

*In the Matter of a Memorial
of Ghamanna Gowda for the remission of
the sentence of death passed on him in Hassan
Sessions Case No. 9 of 1916-17.*

His Highness the Maharaja

directs

that the memorial be rejected.

H.O.
Dewan.

20.10.17

(Draft) *ref 14/1/17*
cos
17/10/17